REMARKS/ARGUMENTS

Rejections under 35 U.S.C. § 102(e)

Claims 1-20 are pending in the application. Reconsideration in view of the following remarks is respectfully requested. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Narasimhan et al. (U.S. PG Pub No. 2004/0039594) (hereinafter "Narasimhan").

The Narasimhan publication is entitled "Systems And Methods For Dynamically Generating Licenses In A Rights Management System," and it generally discloses a system for generating rules that determine whether or not one computer asset is granted or denied permission to exercise a right with respect to another of the computer's assets. (*see* Narasimhan abstract and paragraphs 36-40).

Narasimhan fails to disclose a replication policy as cited in claims 1, 8, and 15. Narasimhan discloses:

> In accordance with embodiments of the invention, policies are used to dynamically generate a "license" in response to a "request" (or rights request) from an asset to exercise a specified right with respect to another asset. The policy decisions are based on the existing state of the system at the time that the request is received, and the resulting license reflects rights exercisable by the requesting asset under those existing circumstances. The license takes the form of data representing a right or rights that may be exercised by the requesting asset with respect to the other asset specified in the request. The license is preferably expressed or translated into a format conventionally used for digital rights management, such as XrML or ODRL. The license is used by processes such as applications or operating systems to govern the subsequent behavior of the requesting asset at the device from which the request was made. (Narasimhan, paragraph 38).

In other words, the Narasimhan reference is directed toward a different field of the art altogether, determining rights between system assets. Narasimhan does not

disclose a replication policy. Applicants submit that Narasimhan, therefore, does not teach the claimed invention and that independent claims 1, 8 and 15 are allowable. Applicants further submit that claims 2-7, 9-14, and 16-20 are allowable as depending from allowable independent claims 1, 8, and 15. Based on the argument above, reconsideration and withdrawal of the rejection of claims 1-20 under 35 U.S.C. §102(e) is respectfully requested.
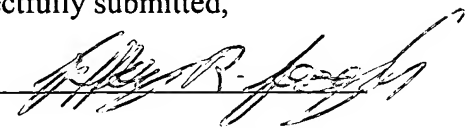
For at least all the above reasons, the Applicants respectfully submit that this application is in condition for allowance. A Notice of Allowance is earnestly solicited.

The Examiner is invited to contact the undersigned at (408) 975-7500 to discuss any matter concerning this application. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. **11-0600**.

Respectfully submitted,

Dated: <u>February 15, 2005</u>

By: _____

Jeffrey R. Joseph
(Reg. No. 54,204)

KENYON & KENYON
333 W. San Carlos St., Suite 600
San Jose, CA 95110
Telephone: (408) 975-7500
Facsimile:(408) 975-7501